

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUAN CAMILO ROJAS,

Plaintiff,

-v-

EMMANUEL GAZMEY SANTIAGO  
P/K/A ANUEL AA, ET AL.,

Defendants.

23 Civ. 7365 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On January 30, 2024, counterclaim-defendant Rojas filed a motion to dismiss the counterclaim under Rule 12 of the Federal Rules of Civil Procedure. Dkt. 52. Under Rule 15(a)(1)(B), a party has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that the counterclaim-plaintiffs shall file any amended counterclaim complaint by February 23, 2024. No further opportunities to amend will ordinarily be granted. If counterclaim-plaintiffs do amend, by March 15, 2024, counterclaim-defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying counterclaim-plaintiff, stating that he relies on the previously filed motion to dismiss.<sup>1</sup>

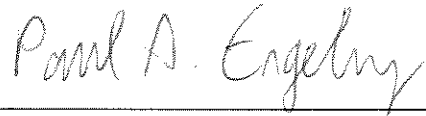
It is further ORDERED that if no amended complaint is filed, counterclaim-plaintiffs shall serve any opposition to the motion to dismiss by February 23, 2024. Counterclaim-

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<sup>1</sup> If counterclaim-defendant files a new motion to dismiss or relies on his previous motion, counterclaim-plaintiff's opposition will be due 14 days thereafter, and defendant's reply, if any, will be due seven days after that.

defendant's reply, if any, shall be served by March 1, 2024. At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to [EngelmayerNYSDChambers@nysd.uscourts.gov](mailto:EngelmayerNYSDChambers@nysd.uscourts.gov).

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

Dated: February 9, 2024  
New York, New York